

LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

175 West Fifth Street, Second Floor, San Bernardino, CA 92415-0490

• (909) 387-5866 • FAX (909) 387-5871

E-MAIL: lafco@lafco.sbcounty.gov

www.sbclafco.org

DATE: MAY 5, 2006

FROM: MICHAEL TUERPE, LAFCO Analyst

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #8 LAFCO SC#277 – City of Montclair Irrevocable Agreement to Annex No. 05-25-I-62 for Sewer Service

INITIATED BY:

City of Montclair, on behalf of the property owner/developer

RECOMMENDATION:

Staff is recommending that the Commission approve LAFCO SC#277 by taking the following actions:

1. For environmental review, take the following actions as a responsible agency:
 - a. Certify that the Commission has reviewed and considered the environmental assessment and the Negative Declaration prepared by the County of San Bernardino for the Conditional Use Permit to establish a 4,030 sq. ft. retail building and a six-bay self-serve car wash on .97 acres, and found them to be adequate for Commission use;
 - b. Determine that the Commission does not intend to adopt alternatives or mitigation measures for this project; that there are no mitigation measures required; and
 - c. Note that this proposal is exempt from Department of Fish and Game fees because the filing fee was the responsibility of the County, as CEQA lead agency, and direct the Clerk to file a Notice of Determination within five (5) days of this action.

2. Approve SC#277 authorizing the City of Montclair to extend sewer services outside its boundaries to Assessor Parcel Number (APN) 1011-351-08.
3. Adopt LAFCO Resolution #2920 setting forth the Commission's findings, determinations, and approval of the agreement for service outside the City of Montclair's boundaries.

BACKGROUND:

The City of Montclair, on behalf of the property owners/developer, has submitted an application for Commission review requesting approval of an irrevocable agreement to annex which outlines the terms for extending sewer service outside its boundaries. The agreement relates to APN 1011-351-08, generally located at the southeast corner of Mission Boulevard and Vernon Avenue (5511 Mission Boulevard), within the City of Montclair's eastern sphere of influence. Attachment #1 provides a vicinity map of the site and a map outlining the location of the infrastructure.

The County Land Use Services Department has processed and approved a Conditional Use Permit to establish a 4,030 sq. ft. retail building and a six-bay self-serve car wash on .97 acres (included as Attachment #3). The Conditions of Approval placed upon this project require connection to the City of Montclair's sewer system (Conditions 36 and 38).

The City's application (included as a part of Attachment #2) indicates service to the parcel will be provided through construction of a four-inch (4") lateral extension from the existing eight-inch (8") sewer main in Vernon Avenue. Connection from the four-inch (4") lateral extension to the facility will be the responsibility of the owner/developer.

Discharge of wastewater into the City sewer collection system will be subject to Chapter 9.20 of the Montclair Municipal Code regulations (Condition 15). The requirements include the installation and maintenance of a gravity separation interceptor for oil, grease, and other discharges (Montclair Municipal Code Ch.9.20.690) and such discharges held in the gravity separation interceptor shall be disposed of in a legal manner at a legally acceptable point of disposal (Ch. 9.20.650). The City will certify such requirements at the time of its inspection of the sewer facilities for the project.

Pursuant to the Commission's service contract application requirements, the City's application and letter dated May 3, 2006 provide information regarding financial obligations for the extension of services outside the City's boundaries. Relating to the sewer fees and construction costs for the extension of service to

the parcel, the City estimates a minimum cost of \$15,764.16. The following is the breakdown of the estimated cost calculation:

Construction, Installation, and Connection of Sewer	Cost of work (depending on site conditions)	\$10,842.16
Regional Capital Outlay Fee	Cannot be accurately determined until building plans are submitted	\$4,200
City Agreement and Permits	Sewer service agreement and building and construction permits	\$722
Inspection Cost	Cannot accurately determine without an estimation of the connection cost	Four percent of the work done in the right-of-way
TOTAL ESTIMATED MINIMUM COST		\$15,764.16

The City of Montclair has indicated that there is no rate difference for providing service outside the City's boundaries. Therefore, the City will charge future users the normal in-City monthly rate for sewer service.

On behalf of the property owners/developer, the City requests that the Commission approve the extension of service pursuant to the provisions of Government Code Section 56133. Authorization of this agreement is required before the City can take the final actions to implement the terms of the agreement.

Staff has reviewed this request for the provision of sewer service by the City of Montclair outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The parcel proposed for service is within the sphere of influence assigned the City of Montclair and is anticipated to become a part of the City sometime in the future. The development of the 4,030 sq. ft. retail building and car wash requires that it receive sewer service, which is only available from the City of Montclair. Staff supports the City's request for authorization to provide sewer service to the proposed project since its facilities are adjacent to the anticipated development, and there is no other existing entity available to provide this service within the area.

FINDINGS:

1. The project area, identified as APN 1011-351-08, is within the sphere of influence assigned the City of Montclair and is anticipated to become a part of that City sometime in the future. The parcel will receive its water service from the Monte Vista Water District. The application requests

authorization to receive City of Montclair sewer service to comply with County Land Use Services requirements of the Conditional Use Permit.

2. Irrevocable Agreement to Annex No. 05-25-I-62 is being considered for the provision of sewer service to APN 1011-351-08, generally located at the southeast corner of Mission Boulevard and Vernon Avenue (5511 Mission Boulevard). This contract will remain in force in perpetuity for the proposed development or until such time as the area is annexed. Approval of this application will allow the property owners/developer and the City of Montclair to finalize the agreement for the extension of sewer service.
3. The service contract for consideration is for the ultimate provision of sewer service by the City of Montclair. This contract will fulfill the requirements of the County for the Conditional Use Permit for development of a retail building and a six-bay self-serve car wash. Approval of the service contract is required to receive the building permit for the project and to fulfill the Conditions of Approval.
4. The City of Montclair estimates a minimum cost of \$15,764.16 for the extension of sewer service to the parcel. The City will determine the actual cost during processing of the application for sewer service, and the payment of these fees will be required prior to connection to the City's sewer facilities.
5. In June 2005, acting as the CEQA lead agency, the County prepared an environmental assessment for a Conditional Use Permit to establish a 4,030 sq. ft. retail building and a six-bay self-serve car wash on .97 acres. The assessment indicates that the project will not have a significant effect on the environment through its development under the Conditions of Approval that has been prepared for the proposed project.

LAFCO's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's Initial Study and Negative Declaration issued for the proposed project. Mr. Dodson's analysis indicates that the County's Initial Study and Negative Declaration are adequate for the Commission's use as a CEQA responsible agency. The Commission will not be adopting alternatives or mitigation measures for this development; mitigation was not required for the project. Attachment #4 provides a copy of Mr. Dodson's response and recommendation regarding the Commission's review and necessary actions to be taken.

Attachments:

1. Vicinity Map and Map of the Contract Area
2. City of Montclair's Application, Irrevocable Agreement to Annex, and Letter Dated May 3, 2006
3. County Conditions of Approval for Conditional Use Permit
4. Tom Dodson and Associates Response and the County's Environmental Documents for the Conditional Use Permit
5. Draft Resolution #2920